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GOOGLE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSEPH TAYLOR, EDWARD MLAKAR,  
MICK CLEARY, EUGENE ALVIS, and  
JENNIFER NELSON, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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*Attorneys for Plaintiffs*

Case No. 5:20-cv-07956-VKD

**DECLARATION OF WHITTY SOMVICHIAN  
IN SUPPORT OF JOINT STIPULATED  
REQUEST TO EXTEND CASE DEADLINES  
AND CONTINUE TRIAL DATE**

Judge: Hon. Virginia K. DeMarchi

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1 I, Whitty Somvichian, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and am a partner  
3 at Cooley LLP. I am counsel for Defendant Google LLC (“Google”) in this matter. I make this  
4 declaration pursuant to Civil Local Rule 6-2(a). It is based on my personal knowledge and, if called  
5 as a witness, I could and would testify competently to the matters stated herein.

6 2. Counsel for Plaintiffs and Google (collectively, the “Parties”) in this matter are  
7 concurrently handling the *Csupo et al. v. Google LLC* matter in the Superior Court of Santa Clara  
8 County (Complex Division) before Judge Charles F. Adams, which raises materially the same  
9 claims as those at issue here.

10 3. Over the course of this case, the Parties have had to negotiate extensions to the  
11 schedule to ensure that it interlocks fairly and efficiently with relevant deadlines in *Csupo*, so that  
12 neither side is prejudiced by deadlines in the other case, and both cases could proceed efficiently.

13 4. The Parties have endeavored to act with diligence and to keep existing deadlines in  
14 this case.

15 5. At the August 19, 2025 Class Certification and Expert Challenges Hearing, the  
16 Parties informed the Court that they would confer regarding potential case schedule adjustments,  
17 in light of the Court’s concern regarding the short timeframe to resolve pending motions in advance  
18 of the Parties’ Summary Judgment deadlines in October 2025. At that hearing, Plaintiffs also  
19 informed the Court and Google of their intent to seek a stay of the above-captioned matter in light  
20 of Google’s appeal of the jury verdict in *Csupo*.

21 6. On August 29, 2025, Plaintiffs filed the above-referenced Motion for a Stay and  
22 noticed a hearing on said motion for October 7, 2025—four days *after* the current October 3, 2025  
23 deadline for Summary Judgment Motions. Plaintiffs also filed an Administrative Motion to  
24 Consider Whether Another Party’s Material Should Be Sealed with respect to the Motion for a  
25 Stay.

26 7. The Parties have been conferring regarding case schedule adjustments in *Taylor* to  
27 accommodate the Parties’ briefing on the Motion for a Stay and extensive post-trial briefing in  
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*Csupo*,<sup>1</sup> and to allow for greater time for the Court to rule on the Motion for a Stay and, as applicable, the Class Certification Motion and Expert Challenge Motions, in advance of the Parties' Summary Judgment deadlines.

8. The Parties jointly agree that good cause exists to grant the requested extensions and adjustments to the case schedule so that the Court has sufficient time to consider various submissions, and so that the Parties can prepare and present the most helpful briefing to this Court on their pending and forthcoming motions, and prepare adequately for trial, should the case proceed to trial.

9. The Parties stipulate and agree that the following revisions should be made to the case schedule:

Event	Current Deadline	Stipulated Deadline
Statement/Declaration re: Sealing re: Motion to Stay	September 5, 2025	September 19, 2025
Response to Statement/Declaration re: Sealing re: Motion to Stay	September 9, 2025	September 23, 2025
Motion to Stay Opposition	September 12, 2025	September 16, 2025
Motion to Stay Reply	September 19, 2025	September 23, 2025
Hearing on Motion to Stay	October 7, 2025	No change
Motions for Summary Judgment	October 3, 2025	January 9, 2026
Motions for Summary Judgment Oppositions	October 31, 2025	February 20, 2026
Motions for Summary Judgment	November 21, 2025	March 20, 2026

<sup>1</sup> Such briefing includes Google's Motion for Judgment Notwithstanding the Verdict and/or to Vacate or Set Aside Judgment or a New Trial, Plaintiffs' Motion for Equitable Relief, Plaintiffs' Motion for Prejudgment and Post-Judgment Interest, and Google's Motion to Tax Costs.

Event	Current Deadline	Stipulated Deadline
Replies		
Motion for Summary Judgment Hearing	December 16, 2025	April 14, 2026 or thereafter (subject to the Court's availability)
Final Pre-Trial Conference	March 4, 2026	June 15, 2026
Trial	April 1, 2026	July 13, 2026 or thereafter (subject to the Court's availability)

10. The Parties in this dispute have requested the following time modifications in this case: on May 14, 2024 and June 13, 2024, the Parties stipulated to continue a case management conference due to scheduling conflicts of lead counsel, which the Court granted (ECF Nos. 85, 86, 90, 91); on June 11, 2024, the Parties stipulated to extend the deadline to submit the Joint Case Management Statement, which the Court granted (ECF Nos. 87, 88); on July 30, 2024, the Parties stipulated to extend the deadline to submit an ESI and Protective Order, which the Court granted (ECF Nos. 100, 101); on October 1, 2024, the Parties stipulated to extend the mediation deadline, which the Court granted (ECF Nos. 108, 109); on November 1, 2024, the Parties stipulated to a new hearing date for the October 23, 2024 dispute letter due to a scheduling conflict, which the Court granted (ECF Nos. 125, 126); on November 5, 2024, the parties submitted a stipulation requesting an extension of the deadline to submit discovery disputes that was denied without prejudice (ECF Nos. 128, 130); on November 12, 2024, the parties submitted a request for an order changing the time to file a discovery dispute letter-brief concerning the Boyer Experiment, which the Court granted (ECF Nos. 132, 134); on January 10, 2025, the parties submitted a stipulation requesting an extension of the deadline to exchange rebuttal expert reports and to conduct expert depositions, which the Court granted (ECF Nos. 161, 162); on January 24, 2025, the parties submitted a request for an extension of the case schedule and trial, which the Court granted (ECF

1 Nos. 163, 164); on March 7, 2025 the parties submitted a stipulation setting a briefing scheduling  
2 for sealing motion, which the Court granted (ECF No. 165, 166); on March 28, 2025, the parties  
3 submitted a request to extend the deadline for expert discovery, which the Court granted (ECF Nos.  
4 186, 187); on April 9, 2025, the parties submitted a request to extend case deadlines, which the  
5 Court granted (ECF Nos. 188, 189); on May 19, 2025, the parties submitted a request to extend  
6 sealing deadlines, which the Court granted (ECF 199, 200); on July 1, 2025 the parties submitted a  
7 request to extend deadlines associated with expert reply briefing, which the Court granted (ECF  
8 202, 203); and on August 1, 2025, the parties submitted a request to extend sealing deadlines, which  
9 the Court granted (ECF 215, 216).

10 11. The requested time modifications will affect the schedule in this case for the  
11 deadlines and dates referenced in Paragraph 9. *See* Civ. L.R. 6-2(a)(3). All other deadlines remain  
12 the same.

13 I declare under penalty of perjury that foregoing is true and correct.

14 Executed on September 5, 2025 in San Francisco, California.

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16 /s/ Whitty Somvichian  
Whitty Somvichian

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